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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,901	01/16/2004	Alex Zarenin	018638-04-0183	8477
9629 7590 02/03/2009 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
TO, JENNIFER N				
ART UNIT		PAPER NUMBER		
2195				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,901

Applicant(s)

ZARENIN ET AL.

Examiner

JENNIFER N. TO

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/18/2008 has been entered.
2. Claims 1-3 are canceled by applicant. Claims 4-9 are pending for examination.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The claim language in the following claims is not clearly understood:
 - i. as per claim 7, lines 8-9, it is not clearly understood is meant by "each of the plurality of request objects representing one of the active devices" (i.e. each of the plurality of request objects having a representation of one of the active devices). Lien 14, it is not clearly understood what is meant by "organizing in the result queue each of the

plurality of the request objects" (i.e. organizing in the result queue each of the response of plurality of the request objects). Lines 17-19, it is not clearly understood what is meant by "receive each of the plurality of the request objects from the one ore more of the plurality of worker threads after a response to the request for an indication has been received" (i.e. in order for the manager object to receive the plurality of the request object from the worker threads , the plurality of the worker threads must send the plurality of the request objects to the manger object, but there is no where in the claim indicated that the worker threads send any requests object to the manger object).

- ii. as per claims 8-9, they are having the same deficiencies as claim 7. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Poirot et al. (hereafter Poirot) (U.S. Publication No. 2004/0122944).

7. As per claim 4, Poirot teaches a method for identifying a plurality of active devices on a network (abstract, paragraph [0007]) comprising:

executing a program comprising issuing to each of the active devices one or more first requests for information comprising an indication of a presence of the device on the network and a device architecture (abstract, paragraphs [0007], [0063]);

receiving in response to the first requests a response (paragraph [0063]);

receiving, based on the device architecture indicated in the response, one or more scripts that request additional information about the device, wherein the scripts are customizable and executed outside the program (paragraphs [0047], [0063], [0064]);

executing the scripts (paragraph [0064]); and

receiving the additional information (paragraph [0064]).

8. As per claims 5-6, they are machine readable medium and system claims that corresponding to method claim 4. Therefore, they are rejected for the same reason as claim 4 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNally et al. (hereafter McNally) (U.S Patent No. 6549932), and in view of Potter et al. (hereafter Potter) (U.S. Patent No. 7222148).

11. McNally was cited in the previous office action.

12. As per claim 7, McNally teaches the invention substantially as claim including a system comprising:

a manager object including a plurality of workers threads operating in parallel (fig. 4, col. 2, lines 41-44, col. 6, lines 49-57, worker threads are discovery agents);

a plurality of request objects (col. 3, lines 56-61, col. 6, lines 49-57);

a computer configured to process the manager object and the plurality of request objects, the manager object configured to received each of the plurality of request objects (fig. 4; col. 3, lines 56-61, col. 6, lines 49-57);

a plurality of active devices on a network in communication with the computer, each of the plurality of request objects representing one of the active devices and a request for an indication of a presence of the one of the active devices on the network (col. 2, lines 15-18, col. 3, lines 34-35);

storage device coupled to the network (col. 3, lines 56-61, col. 16, line 10);

a manager object further configured to distribute each of the plurality of request objects to one ore more of the plurality of worker threads (col. 2, lines 40-41, col. 6, lines 49-57);

each of the plurality of worker threads configured to process each of the plurality of request objects and to perform at least identical discovery functions on the plurality of active devices in response to the request for an indication (column 2, lines 40-41 & column 6, lines 49-57);

the manager object further configured to receive each of the plurality of request objects from the one or more of the plurality of worker threads after a response to the request for an indication has been received (col. 5, lines 55-63); and

the storage device configured to store response received for each of the plurality of request objects (column 3, lines 56-61 & column 16, lines 10).

13. McNally did not specifically teach a request queue, organizing the plurality of the request objects in the request queue, a result queue, and organizing response of the plurality of the request objects in the result queue.

14. However, Potter teach a request queue, organizing the plurality of the request objects in the request queue, a result queue, and organizing response of the plurality of the request objects in the result queue (abstract; col. 2, lines 4-24).

15. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to try to incorporate the teaching of Potter into McNally because both McNally and Potter teaching of distributing requests from manager to a plurality of nodes to process the requests in parallel, and Potter also teaches a request queue,

result queue, and organizing the requests in the request/result queue would produced a system that allowing processing of requests in a timely manner.

16. As per claims 8-9, they are method and machine readable medium claims that corresponding to system claim 7. Therefore, they are rejected for the same reason as claim 7 above.

Response to Arguments

17. Applicant's arguments with respect to claims 4-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see attached PTO 892 form for details).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER N. TO whose telephone number is (571)272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/
Primary Examiner, Art Unit 2194

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